

### **REMARKS**

This Supplemental Preliminary Amendment is being filed in addition to the Preliminary Amendment filed with RCE under 37 C.F.R. § 1.114 on January 26, 2005 in this application, and after the Examiner Interview held at the United States Patent and Trademark Office on February 23, 2005, which is discussed in more detail below.

#### **Summary of the Final Office Action**

In the Final Office Action, claims 1-23 now stand rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2 225 147 to Sakai (hereinafter "Sakai") in view of newly-applied U.S. Patent No. 6,125,232 to Taira et al. (hereinafter "Taira").

#### **Summary of the Examiner Interview on February 23, 2005**

Applicants' undersigned representative, together with Mr. Kasumasa Nakamura of Pioneer Corporation, conducted an in-person interview on February 23, 2005 at the United States Patent and Trademark Office with Examiner Christopher Onuaku and his supervisor Examiner Robert Chevalier. The Examiners are thanked for the courtesies extended during the interview. The Examiners issued an Interview Summary Form (PTOL-413) at the conclusion of the interview.

During the interview, Applicants' undersigned representative explained embodiments of the disclosure of the instant application with a particular emphasis on Fig. 5. Applicants' undersigned representative also explained how this application has undergone a very extensive prosecution history to date and each of the previously-filed amendments to independent claim 1, for example, were reviewed with the Examiners. Applicants' undersigned representative then focused the discussion to a detailed review of the arguments that were filed in this application in

the Preliminary Amendment with RCE on January 26, 2005. In response, the Examiners indicated that by amending each of the independent claims to recite "a DVD information record medium," the Sakai reference would be overcome.

#### **Summary of the Response to the Final Office Action**

Claims 1-23 are newly-amended to differently describe embodiments of the instant application and to afford the Applicants with scope to which they are entitled. Accordingly, claims 1-23 remain pending for consideration.

#### **Rejections under 35 U.S.C. § 103(a)**

Claims 1-23 now stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of newly-applied Taira. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed as follows.

As discussed above, during the Examiner Interview held on February 23, 2005, the Examiners indicated that by amending each of the independent claims to recite "a DVD information record medium," the Sakai reference would be overcome. Accordingly, this instant Supplemental Preliminary Amendment is being filed to implement the Examiners' suggested amendments. However, Applicants note that they believe that the arguments asserted in the Preliminary Amendment with RCE on January 26, 2005, and asserted in previously-filed responses in this application are still applicable.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Sakai no longer applies to the claims of the instant application and because the applied secondary reference to Taira does not teach or suggest each feature of independent claims 1, 6-11 and 20-23, at least for the reasons set forth in the previously-filed

response. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicant respectfully asserts that dependent claims 2-5 and 12-19 are allowable at least because of their dependence from their respective independent claim 1 or 6-11, and the reasons set forth above.

### Conclusion

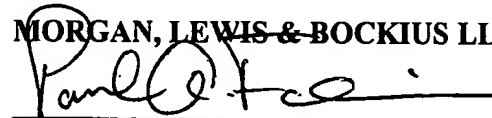
In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



Paul A. Fournier

Reg. No. 41,023

Dated: March 1, 2005

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
Telephone: 202.739.3000  
Facsimile: 202.739.3001